

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LOLITO BADILLA,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C16-0838-JLR-MAT

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 13.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for a *de novo* hearing and further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council will first determine whether the record supports disability. If further development is warranted, the Appeals Council will remand the case to the Administrative Law Judge to offer plaintiff a new hearing; consider the evidence submitted to the Appeals Council; reevaluate plaintiff's heart impairment and

1 mental impairment; reevaluate plaintiff's symptoms; reassess the residual functional capacity;
2 and further determine whether plaintiff could perform his past relevant work. Also, upon proper
3 presentation, this Court will consider plaintiff's application for attorney fees, costs, and expenses.

4 The Court recommends that United States District Judge James L. Robart immediately
5 approve this Report and Recommendation and order the case REVERSED and REMANDED for
6 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A proposed
7 order accompanies this Report and Recommendation.

8 DATED this 1st day of December, 2016.

9
10 

11 Mary Alice Theiler
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23